

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

Plaintiff,

vs.

Case No. 1:20-CR-1370 KWR

JULIAN GARCIA,

Defendant.

ORDER RESULTING FROM PRETRIAL MOTIONS HEARING

THIS MATTER is before the Court following a pretrial motions hearing held on August 19, 2021. After reviewing the briefings and hearing the argument of counsel, the Court issued rulings on the record. The Court also reserved ruling on some matters, pending objection at trial. For the reasons stated on the record, it is hereby ordered that:

- The Government's First Motion in Limine for a *Lafler-Frye* hearing (**Doc. 60**) is **GRANTED**. The Court will hold an in person *Lafler-Frye* hearing.
- The Government's Second Motion in Limine to Preclude Defense Evidence and Comments (**Doc. 61**) is **GRANTED IN PART**. The Court grants the motion as to subsections A-J. The Court **RESERVES RULING** on subsections L and K;
- The Court **RESERVES RULING** on the Government's Third Sealed Motion in Limine to Admit Evidence (**Doc. 62**);
- The Government's Fourth Motion in Limine for Judicial Notice (**Doc. 63**) is **GRANTED**;

- The Government's Fifth motion in Limine to Bar Voluntary Intoxication Argument (**Doc. 64**) is **GRANTED**;
- The Government's Sixth Motion in Limine for Special Procedures for Victim's Testimony (**Doc. 65**) is **GRANTED**;
- The Government's Seventh Motion in Limine for Judicial Notice and to Determine Indian Country Status (**Doc. 66**) is **GRANTED**;
- The Government's Eighth Motion in Limine to Exclude Testimony or Compel Production (**Doc. 67**) is **GRANTED**;
- The Government's Ninth Motion in Limine to Use Transcripts as Demonstrative Aids (**Doc. 68**) is **GRANTED IN PART**, as stated on the record;
- The Government's Tenth Motion in Limine for Video Testimony (**Doc. 69**) is **GRANTED**; and
- The Government's Eleventh Motion in Limine to Introduce 404(b) evidence (**Doc. 70**) is **RESERVED** as detailed in the Court's oral ruling.


 KEA W. RIGGS
 UNITED STATES DISTRICT JUDGE